

Atty. Dkt. No. 19880002010 (SEDN/246DIV3)
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PATENT

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed November 7, 2005.

Claims 2-9 and 11-16 are pending. The Examiner rejected 1, 7-10, 12-16, and 18-20 and objected to claims 2-6 and 11. By this response, Applicants have cancelled claims 1, 10, and 20-22 and amended claims 1, 7-9, 11, and 12. The current numbering of claims 18-20 as 20-22 reflects the intent of the previous response dated September 15, 2005, to cancel claims 17-19, leaving original claims 20-22. In the claim listing of the previous response, original claims 20-22 were incorrectly numbered as 18-20.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims.

OBJECTIONS

The Examiner has objected to claims 18-20 stating that "claims 18-20 should be renumbered as 20-22 as originally intended." The current numbering of claims 18-20 as 20-22 reflects the intent of the previous response dated September 15, 2005, to cancel claims 17-19, leaving original claims 20-22. In the claim listing of the previous response, original claims 20-22 were incorrectly numbered as 18-20. Therefore, Applicants respectfully submit that the Examiner's objection is moot and should be withdrawn.

The Examiner has further objected to claims 2-6 and 11 as being dependent upon a rejected base claim that would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten claims 2 and 11 in independent form and cancelled base claims 1 and 10. As a result, claims 2-6 and 11 are now allowable. Therefore, Applicants respectfully request that the foregoing objections to claims 2-6 and 11 be withdrawn.

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REJECTIONS

35 U.S.C. §102

The Examiner has rejected claims 1, 7-10, 12-16 and 18-20 as being anticipated by Gordon et al. US-2004/0261104A1 (hereinafter "Gordon"). Applicants respectfully traverse the rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Gordon reference falls to teach each and every element of the claimed invention, as arranged in the claims.

Applicants' independent claim 2, as amended to overcome the objection above, is allowable. Furthermore, claims 7-9 and 12-16 depend directly or indirectly from independent, allowable claim 2 and recite additional limitations thereof. Accordingly, at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Claims 1, 10, and 18-20 are cancelled. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that all the claims are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea Nicholson or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 2/1/06



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